



Comptroller General
of the United States

Washington, D.C. 20548

144737

Decision

Matter of: Iowa-Illinois Cleaning Co.

File: B-244870

Date: August 28, 1991

Michael S. Kelly for the protester.

Amy J. Brown, Esq., General Services Administration, for the agency.

Paula A. Williams, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DICEST

Protest that solicitation bond requirements are contrary to regulation and unduly restrictive of competition is dismissed as untimely when filed after bid opening.

DECISION

Iowa-Illinois Cleaning Co. protests the bid and performance bond requirements in invitation for bids (IFB) No. GS-04P-91-EWC-0054, issued by the General Services Administration as a total small business set-aside for janitorial services. The protester contends that the bonding requirements are contrary to regulation and unduly restrictive on small business concerns since the expense of obtaining the bonds makes it difficult for small businesses to compete. We dismiss the protest as untimely.

Our Office will not consider a protest such as this which challenges the inclusion of bond requirements in a solicitation unless it is filed prior to bid opening since the protest is based upon alleged apparent solicitation improprieties. See Bid Protest Regulations, 56 Fed. Reg. 3,759 (1991) (to be codified at 4 C.F.R. § 21.2(a)(1) (1991)). Here, the solicitation containing the bonding requirements was issued on June 5, 1991, with a July 9 bid opening date. If Iowa-Illinois believed that the bond requirements contained in the IFB were improper, it was required to protest prior to the

July 9 bid opening. Since the protest was filed on July 22, it is untimely and will not be considered. See Trail-Blazer Constr., B-244144 et al., June 6, 1991, 91-1 CPD ¶ 543.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "Paul Lieberman", followed by a horizontal line.

Paul I. Lieberman
Assistant General Counsel